

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEDICAL ADVOCATES FOR
HEALTHY AIR, et al.,

Plaintiffs,

v.

STEPHEN L. JOHNSON, in his official
capacity as Administrator of the United
States Environmental Protection Agency,
et al.,

Defendants.

No. C 06-00093 SBA

ORDER

[Docket No. 37, 38]

Before the Court are Plaintiffs' Motion for Summary Judgment and related responses, replies, and objections in the above captioned matter. For the reasons stated in open court at the June 27, 2006 motion hearing, and upon consideration of the parties' submissions and argument of counsel, the Court enters the following rulings in this case:

- (1) IT IS HEREBY ORDERED THAT the First Claim for Relief in Plaintiffs' Complaint [Docket No. 1] is DISMISSED.
- (2) IT IS FURTHER ORDERED THAT Plaintiffs' Motion for Summary Judgment [Docket No. 37, 38] is GRANTED.
- (3) IT IS FURTHER ORDERED THAT Plaintiffs' Request for Declaratory Relief in the Complaint [Docket No. 1] is WITHDRAWN.
- (4) IT IS FURTHER ORDERED THAT, for the reasons stated in open court at the June 27, 2006 motion hearing, the Court rules on Defendant in Intervention San Joaquin Valley Unified Air Pollution Control District's ("District") Objections to Evidence [Docket No. 56] as follows:

1 (a) The Court SUSTAINS the District's objections that both the Declaration of Kevin
2 Hamilton and the Declaration of Eugene Kevin Hall are irrelevant. Because Plaintiffs have
3 not offered any purposes besides standing for these declarations, the Court OVERRULES
4 AS MOOT the District's other objections regarding the two declarations.

5 (b) The Court SUSTAINS the District's objections that Plaintiffs' Exhibit A in Plaintiffs'
6 Opening Memorandum lacks foundation and is irrelevant.

7 (c) The Court SUSTAINS the District's objections that Plaintiffs' Exhibit E in Plaintiffs'
8 Opening Memorandum lacks foundation, is irrelevant, and is hearsay.

9 Also for the reasons stated in open court on June 27, 2006, the Court enters the following
10 form of injunctive relief:

11 IT IS HEREBY ORDERED that the Administrator of the United States Environmental
12 Protection Agency shall sign a notice for publication in the Federal Register proposing a Federal
13 Implementation Plan containing contingency measures for the San Joaquin Valley PM-10
14 nonattainment area no later than October 18, 2006.

15 IT IS FURTHER ORDERED that the Administrator of the United States Environmental
16 Protection Agency shall sign a notice for publication in the Federal Register promulgating a
17 Federal Implementation Plan containing contingency measures for the San Joaquin Valley PM-
18 10 nonattainment area no later than January 3, 2007.

19 IT IS FURTHER ORDERED that the Administrator of the United States Environmental
20 Protection Agency shall be relieved of his obligation to sign a proposed or final rule if before the
21 applicable date either (1) the United States Environmental Protection Agency fully approves
22 contingency measures for the San Joaquin Valley PM-10 nonattainment area submitted by the
23 State of California, or (2) the United States Environmental Protection Agency makes a final
24 determination that the San Joaquin Valley PM-10 nonattainment area has attained the National
25 Ambient Air Quality Standards for PM-10.

26 The Court will retain jurisdiction over this matter until such time as the Administrator of
27
28

1 the United States Environmental Protection Agency satisfies his obligations under the
2 immediately preceding three paragraphs of this Order or is otherwise relieved of those
3 obligations by this Court. The Court will also retain jurisdiction to consider any timely request
4 for attorney's fees and costs from Plaintiffs (as well as any party's opposition to such request).

5 In light of this Order, there is no longer any need for the case management conference
6 currently scheduled for July 5, 2006, at 3:45 p.m. [Docket No. 74]. The conference is CANCELED
7 until further notice from this Court. The Clerk is directed to TERMINATE any pending matters and
8 CLOSE the file.

9 IT IS FURTHER ORDERED THAT if the parties need the intervention of the Court on any
10 matter, they shall file a motion to reopen the file.

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12 IT IS SO ORDERED.

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14 Dated: 7/5/06



SAUNDRA BROWN ARMSTRONG

United States District Judge